

### REMARKS

Claims 22 and 23 have been amended without being narrowed to overcome minor informalities, claim 24 has been canceled, new claims 29-31 have been added to particularly point out and distinctly claim subject matter regarded as the invention, and claims 1-22 and 26-28 are presented without amendment for reconsideration in the light of the following authorities and remarks. Such cancellation of and amendments to claims are only for the purpose of advancing the prosecution of this application and are not to be construed as an abandonment of any of the novel concepts disclosed therein.

2. New drawings will be furnished in due course.

3. Claims 22 and 25 stood rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 22 and 25 were said to recite the limitation "first plurality of transducers" without sufficient antecedent basis for this limitation in the claims. The claims have been amended to provide this antecedent support.

4. Claims 13-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by Boinais. The reference is said to disclose an arrangement for equipping a vehicle seat with loudspeakers. As said to be seen in FIG. 1, a standard vehicle seat is shown comprising a base 2, a back support 3, and a headrest 5. Regarding the language of claim 13, the overall device is said to read on a sitting device and the back support 3 is said to read on a back portion having an upper surface. As is also said to be shown in FIG. 1, speakers 8 are mounted in an upward facing manner on the top of the back support 3. FIG. 2 is said to illustrate the horizontal relationship between a user's head and the two speakers. These speakers and their orientation it is said read on an electroacoustical transducer mounted in said upper surface along an axis and oriented to radiate substantially upward from said upper surface.

Regarding claim 14, the seat is specifically a vehicle seat and is said to read on said sitting device being an automobile seat.

Regarding claim 15, FIG. 1 is said to clearly illustrate the automobile seat having a head rest, which is said to read on said automobile seat comprises a head rest.

Regarding claim 16, FIG. 1 is said to illustrate that the back support 3 of the vehicle seat includes two transducers 8. This disclosure is said to read on a second electroacoustical transducer mounted in said upper surface along an axis and oriented to radiate upward from said upper surface.

Regarding claim 17, FIG. 2 is said to clearly illustrate a user's head 6 being positioned between the two speakers 8, which is said to read on said first transducer is positioned to the left of a user's normal head position and said second transducer is positioned to the right of said user's normal head position.

This ground of rejection is respectfully traversed.

"It is well settled that anticipation under 35 U.S.C. 102 requires the presence in a single reference of all of the elements of a claimed invention." *Ex parte Chopra*, 229 U.S.P.Q. 230, 231 (BPA&I 1985) and cases cited.

"Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983).

"This court has repeatedly stated that the defense of lack of novelty (i.e., 'anticipation') can only be established by a single prior art reference which discloses each and every element of the claimed invention." *Structural Rubber Prod. Co. v. Park Rubber Co.*, 223 U.S.P.Q. 1264, 1270 (Fed. Cir. 1984), citing five prior Federal Circuit decisions since 1983 including *Connell*.

In a later analogous case the Court of Appeals for the Federal Circuit again applied this rule in reversing a denial of a motion for judgment n.o.v. after a jury finding that claims were anticipated. *Jamesbury Corp. v. Litton Industrial Prod., Inc.*, 225 U.S.P.Q. 253 (Fed. Cir. 1985).

After quoting from *Connell*, "Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim," 225 U.S.P.Q. at 256, the court observed that the patentee accomplished a constant tight contact in a ball valve by a lip on the seal or ring which interferes with the placement of the ball. The lip protruded into the area where the ball will be placed and was thus deflected after the ball was assembled into the valve. Because of this constant pressure, the patented valve was described as providing a

particularly good seal when regulating a low pressure stream. The court quoted with approval from a 1967 Court of Claims decision adopting the opinion of then Commissioner and later Judge Donald E. Lane:

[T]he term "engaging the ball" recited in claims 7 and 8 means that the lip contacts the ball with sufficient force to provide a fluid tight seal. \*\*\* The Saunders flange or lip only sealingly engages the ball 1 on the upstream side when the fluid pressure forces the lip against the ball and never sealingly engages the ball on the downstream side because there is no fluid pressure there to force the lip against the ball. The Saunders sealing ring provides a compression type of seal which depends upon the ball pressing into the material of the ring. \*\*\* The seal of Saunders depends primarily on the contact between the ball and the body of the sealing ring, and the flange or lip sealingly contacts the ball on the upstream side when the fluid pressure increases. 225 U.S.P.Q. at 258.

Relying on *Jamesbury*, the ITC said, "Anticipation requires looking at a reference, and comparing the disclosure of the reference with the claims of the patent in suit. A claimed device is anticipated if a single prior art reference discloses all the elements of the claimed invention as arranged in the claim." *In re Certain Floppy Disk Drives and Components Thereof*, 227 U.S.P.Q. 982, 985 (U.S. ITC 1985).

Claims 13-17 all include the limitation of an electroacoustical transducer mounted in the upper surface of the back portion of the sitting device along an axis and oriented to radiate substantially upward from the upper surface.

In contrast, the reference discloses loudspeakers in FIG. 1 aimed toward the ears of a person sitting in the seat. Accordingly, withdrawal of the rejection of claims 13-17 as anticipated by the reference is respectfully requested. If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim the language in the reference regarded as corresponding to each element in claims 13-17.

5. Claims 18 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Klayman.

The reference is said to disclose a method for improving perception of source imaging in a stereo loudspeaker system. FIG. 8 is said to illustrate an embodiment wherein the

improvement is applied to the audio system of a vehicle interior. The reference is said to disclose a plurality of passengers D, P1-P4, each seated in the vehicle. The reference is said to disclose in FIG. 8 a stereo source with left and right stereo channel signals, from which three other audio signals are derived, the sum and difference signals of these two channels. The audio source and the manner in which it is processed and applied to the various speakers shown in FIG. 8 is said to read on a first audio signal source having a plurality of output channels including a surround output channel. Each of the passengers is said to be exposed to a similarly positioned speaker, 110, 120, 146, that is said to emit one of the different signals, with specific reference to column 9, lines 4-57. These speakers are said to read on a plurality of substantially identical electroacoustical transducers for radiating soundwaves corresponding to said surround channel. Each of these speakers is said to be positioned facing the area in which each of passenger's knees are located when the passengers are in a seated position, and each of these speakers is said to be positioned to the left of this area for each passenger. This subject matter is said to read on wherein the plurality of electroacoustical transducers are positioned in the passenger compartment such that each of the plurality of seats are positioned substantially identically to and in the direct field of one of the plurality of electroacoustical transducers.

Regarding claim 20, FIG. 8 of the reference is said to also illustrate a group of speakers 118, 112, 148 that emit the other audio difference signal from the right of each passenger, with specific reference to column 9, lines 4-67. These speakers are said to read on a second plurality of substantially identical electroacoustical transducers. The different groups of speakers are said to emit the difference signals, represented as L-R and R-L. These difference signals and the original left and right channel basis signals are said to read on the first audio signal source comprising a left surround output channel and a right surround output channel. FIG. 8 is said to illustrate that the first cited group of speakers 110, 120, 146 each emit the left reverberant, or L-R, difference signal, and the second group of the above cited speakers emit the right reverberant, or R-L, difference signal. This subject matter is said to read on the first plurality of transducers are for radiating soundwaves corresponding to signals corresponding to the left surround output channel and wherein the second plurality of transducers are for radiating signals corresponding

to the right surround output channel. Each of the second cited speakers of the second group are said to be symmetrically positioned opposite each of the speakers in the first group, centered around the leg compartment areas of the front seats and back seat of the passenger compartment. This language is said to read on each of the seats being positioned substantially identical to, in the direct field of, one of the first plurality of electroacoustical transducers and substantially identical to, and in the direct field of, one of the second plurality of electroacoustical transducers.

This ground of rejection is respectfully traversed.

Claims 18 and 20 call for a first audio signal source having a plurality of output channels that include a surround output channel. The reference does not disclose a first audio signal source having a surround output channel nor does the reference disclose a plurality of substantially identical electroacoustical transducers for radiating soundwaves corresponding to the surround channel called for by these claims. Nor does the reference disclose the plurality of electroacoustical transducers positioned in the passenger compartment such that each of the plurality of seats are positioned substantially identically to and in the direct field of one of the plurality of electroacoustical transducers radiating soundwaves corresponding to the surround channel.

Claim 20 further restricts claim 18 by reciting a second plurality of substantially identical electroacoustical transducers whereby the first electroacoustical transducers radiate a left surround output channel and a second electroacoustical transducer radiates a right surround output channel.

Accordingly, withdrawal of the rejection of claims 18 and 20 as anticipated by the reference is respectfully requested. Should this ground of rejection be repeated, the Examiner is respectfully requested to quote verbatim the language in the reference regarded as corresponding to each element in claims 18 and 20.

6. Claims 1-6, 9, 12, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Boinais as a primary reference in view of Klayman as a secondary reference. The primary reference is said to disclose a vehicle seat with built-in upward facing speakers. The primary reference is also said to disclose that the audio system may be used with a hands-

free telephone, radio, cassette player or optical disc player, with specific reference to page 4, lines 16-20. The electrical connections that would have been necessary to connect these devices with the speaker arrangement of the vehicle seat are said to read on electronic circuitry coupling the first audio source and the electroacoustical transducer for transmitting the surround channel signal to the electroacoustical transducer. While the primary reference is said to disclose multiple different audio sources, it is said to be not specified that one of the sources include multiple channels, one of which is connected to the transducer.

The secondary reference is said to disclose a method for improving the imaging of a sound source that involves sum and difference signals based on left and right audio channel signals of an audio source that are then applied to speakers specifically placed around the passengers in a vehicle. This audio source signal and the manner in which it is processed for output is said to read on a first audio source having a plurality of audio channel signals including a surround channel signal.

To one of ordinary skill in the art at the time the invention was made, it is said it would have been obvious to implement the vehicle speaker system of the primary reference to multiple seats in a vehicle and with the improved imaging circuitry of the secondary reference. The primary reference is said to disclose a manner for improving the sound received by a user based on the physical positioning of the speakers. The secondary reference is said to disclose a manner for improving the sound received by a user based on the physical arrangement of the speakers as well as the processing of the audio signal. The motivation behind combining the teachings of these two references is said to be the net improvement of the sound received and imaged for each individual user in the audio environment. The teachings of the secondary reference it is said would have improved upon the speaker positioning of the system of the primary reference, and the teachings of the primary reference it is said would have further enabled the secondary reference to accurately deliver sound with the proper imagery to users in each of the different sound fields.

Regarding claim 2, in discussing related art, the primary reference cites a British reference for a vehicle seat with included speakers that involves the speakers of the audio system

being built into the headrest. While positioning the speakers in the headrest 5 is said to be not preferred for the system, the teaching of this possibility is said to read on a seat back that comprises a head rest and wherein the electroacoustical transducer is mounted in the head rest.

Regarding claim 3, FIG. 1 of the primary reference is said to illustrate that the speakers 8 in the system are arranged to project sound in an upward direction, which is said to read on the electroacoustical transducer is mounted along an axis to radiate upwardly from the seat back.

Regarding claim 4, the primary reference is said to clearly illustrate the use of two transducers 8 for emitting the output of the audio system in FIG. 1. This disclosure is said to read on a second electroacoustical transducer. The system of the secondary reference is said to derive enhanced sum and difference signals from the input signals to establish left dominant and right dominant audio signals, with specific reference to column 2, lines 57-64 and column 3, lines 34-59. This disclosure is said to read on the plurality of audio channels that includes a right surround channel signal and a left surround channel signal. Observing the seat and vehicle interior of FIG. 8 of the secondary reference, it is said that the L-R, or left reverberant signal is emitted from speakers positioned to the left of the forward facing positions of passengers in the vehicle compartment and the R-L difference signal or right reverberant audio signal is emitted from speakers positioned to the right of the forward facing positioned of passengers in the vehicle compartment. In view of the teachings of both references and the left and right positioned speakers of the primary reference, the inherent signal connections for the left and right audio signals of the left and right speakers are said to read on the electronic circuitry is adapted to transmit the left surround channel signal to the first transducer and the right channel signal to the second transducer. As can be seen in FIG. 2 of the primary reference, it is said each of the speakers in the vehicle seat audio system are positioned on opposite sides of the seat occupant's head position, which is said to read on said first electroacoustical transducer positioned to one side of a normal head position of an occupant of the automobile seat and the other transducer being positioned to the other side of the normal head position.

Regarding claim 5, the sum and difference signals produced in the system of the secondary reference are said to be specifically incorporated to enhance the apparent direct and

reverberant sound fields for the users of the audio system, with specific reference to column 3, lines 16-33. The difference signals are said to be provided by a difference circuit 14, which is said to read on signal processing circuitry for modifying the left surround channel right surround channel to increase the perceived audible separation between sound radiated by the first transducer and sound radiated by the second transducer, with specific reference to column 3, lines 46-50.

Regarding claim 6, the disclosure of the primary reference is said to conclude with a list of other audio devices aside from a telephone that may also be connected with the audio system, including a car radio, cassette player and CD player. This disclosure is said to read on a second audio source coupled to the circuitry for transmitting audio signals from the second source to the first transducer and the second transducer.

Regarding claim 9, reference is made to the teachings of claim 6.

Regarding claim 12, the title of the invention of the primary reference is said to specifically note that the illustrated seat is the seat of a vehicle which reads on said seat is an automobile seat. Regarding claim 22, reference is made to like teachings of claims 1, 4, 6 and 12.

These grounds of rejection are respectfully traversed.

"The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

"Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, '[t]he mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.'" *In re Laskowski*, 10 U.S.P.Q. 2d 1397, 1398 (Fed. Cir. 1989).

"The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of



making the combination." *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984).

"Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under Section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so." *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984) (emphasis in original, footnotes omitted).

"The critical inquiry is whether 'there is something in the prior art as a whole *to suggest* the desirability, and thus the obviousness, of making the combination. [citing *Lindemann* with emphasis added.]" *Fromson v. Advance Offset Plate, Inc.*, 225 U.S.P.Q. 26, 31 (Fed. Cir. 1985).

As the Federal Circuit Court of Appeals said in *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999):

Close adherence to this methodology is especially important of less technologically complex inventions, where the very ease with which the invention can be understood may prompt one 'to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.'

And in *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1316 (Fed. Cir. 2000), the Court said:

[I]dentification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. *See id.* [*Dembiczak*]. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. *See In re Dance*, 160 F.3d 1339, 1343, 48 U.S.P.Q.2d 1635, 1637 (Fed. Cir. 1998), *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. *See B. F. Goodrich Co. v. Aircraft Braking Sys. Corp.*, 72 F.3d 1577, 1582, 37 U.S.P.Q.2d 1314, 1318 (Fed. Cir. 1996).

The references do not disclose an audio source having a surround channel signal, nor electronic circuitry for transmitting the nonexistent surround channel signal to the

electroacoustical transducer mounted in the seat back. It is therefore impossible to combine what is disclosed in the references to meet the limitations of claims 1-6, 9 and 12.

"Moreover, we observe that even if these references were combined in the manner proposed by the examiner, that which is set forth in appellant's claims . . . would not result." *Ex parte Bogar*, slip op. p.7 (BPA&I Appeal No. 87-2462, October 27, 1989). "Even if we were to agree with the examiner that it would have been obvious to combine the reference teachings in the manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed." *Ex parte Schwarz*, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992). "Although we find nothing before us indicating why it would be desired to combine the references in the manner urged by the examiner, it is clear to us that such a modification by itself would not result in that which is set forth in the claims." *Ex Parte Kusko*, 215 U.S.P.Q. 972, 974 (BPA&I 1981).

That it is impossible to combine what is disclosed in these references is reason enough for withdrawing the rejection of claims 1-6, 9 and 12 on the primary and secondary references. Manifestly, there is nothing in these references which suggests the desirability of combining what is there disclosed to meet the terms of these claims.

Accordingly, withdrawal of the rejection of claims 1-6, 9 and 12 on the primary and secondary references is respectfully requested. If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim the language in each reference regarded as corresponding to each limitation in each of these rejected claims and quote verbatim the language in the references regarded as suggesting the desirability of combining what is there disclosed to meet the terms of these claims.

7. Claims 7, 8, 10, 11 and 23-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Boinais as a primary reference in view of Klayman as a secondary reference as applied above and further in view of Yoshino as a tertiary reference. The primary reference is said to disclose a vehicle seat with built-in upward-facing speakers. The secondary reference is said to disclose a method for improving the imaging of a sound source to multiple users in multiple sound fields in the passenger compartment of a vehicle. The primary reference in view

of the secondary reference is said to not specify that the first audio source is transmitted to the first and second transducers in the absence of the signal from the second audio source and that the first audio source is muted from the first and second transducers in the presence of a signal from the second audio source. The tertiary reference is said to disclose a speaker changeover device for enabling multiple audio sources to be used with the same set of output speakers. The system of the tertiary reference is said to comprise a main changeover control circuit 4 which is said to include a ready condition monitor circuit 43 that is said to monitor the condition of each of the input audio equipments 1A-1D with specific reference to column 1, lines 56-65. The input status signals of the audio devices 1A-1D are said to be monitored in order and the changeover circuit 3 is said to be altered to output the audio source that first sends a ready condition signal during a monitoring cycle, with specific reference to column 1, lines 65-68 and column 2, lines 1-2. It is said that while multiple audio sources may be present, only one is outputted in this arrangement, which it is said to mean that the other sources are effectively muted. The tertiary reference is said to list possible input audio devices as being a car radio, car stereo, a car television and a personal wireless telephone with specific reference to column 1, lines 48-50. From these teachings, it is said it would be obvious that depending on the order of connection, that when one audio source is present, it will always be output from the system, but when two sources are present, one always will be overridden by the other. This combination of multiple input sources in view of the previous teachings of the primary reference in view of the secondary reference is said to read on circuitry for transmitting the left and right channel signals of the first audio source to the respective speakers in the absence of the signal from the second source and to mute the left and right channel signals from the first audio source in the presence of a signal from the second source. To one of ordinary skill in the art at the time the invention was made it is said it would have been obvious to modify the audio system of the primary reference in view of the secondary reference by adding the speaker changeover device of the tertiary reference. The motivation behind such a modification it is said would have been that multiple audio sources would have been able to make use of the same set of audio speakers, which would have decreased the circuitry and potential number of audio components in the already space-restricted

environment of a vehicle. The primary reference is said to mention that multiple audio sources may be used with a vehicle seat speaker system, and the tertiary reference is said to disclose the particular circuitry for making use of multiple audio sources with the same speaker system possible.

Regarding claim 9, the system of the primary reference is said to specifically be intended for use with hands-free telephones which is said to read on the second audio signal being a telephone.

Regarding 10, reference is made to the teachings of claim 7. Regarding claim 11, reference is made to the teachings of claim 8.

Regarding claim 23, reference is made to the teachings of claim 7.

Regarding claim 24, the tertiary reference is said to also disclose that the changeover system may be used to concurrently connect two different audio sources to two different output transducers, with specific reference to column 3, lines 50-60. This disclosure is said to read on wherein the second audio source is coupled exclusively to the one of the plurality of transducers. It is said that in FIG. 1 of the primary reference, the speakers of the audio system are positioned in a seat, and FIG. 8 of the secondary reference is said to illustrate that the driver's seat position in the vehicle has its own set of left and right speakers. In combination, these teachings are said to read on wherein the one of the plurality of transducers is positioned in a driver's seat.

Regarding claim 25, reference is made claim 24.

Regarding claim 26, reference is made to the teachings of claims 23 and 24.

Regarding claim 27, reference is made to the teachings of the secondary reference where it is said to be seen in FIG. 8 multiple sets of transducers that is said to read on a second plurality of transducers. Reference is also made to the teachings of the tertiary reference which is said to disclose that all of individual speakers may be simultaneously connected to one or more audio sources, as discussed in regard to claim 24. This disclosure of the tertiary reference is said to read on the second audio signal source coupled to one of the second plurality of transducers.

Regarding claim 28, reference is made to the teachings of claim 8.

These grounds of rejection are respectfully traversed.

Claims 7 and 8 are dependent upon and include all the limitations of claims 6, 4 and 1, and the reasoning set forth above in support of patentability of the parent claims over the primary and secondary references is submitted to support the patentability of these claims. Claims 10 and 11 are dependent upon and include all the limitations of claims 9 and 1, and the reasoning set forth above in support of the patentability of the parent claims over the primary and secondary references is submitted to support the patentability of these claims. Claims 23 and 25-28 are dependent upon and include all the limitations of claim 22, and the reasoning set forth above in support of the parent claim over the primary and secondary references is submitted to support the patentability of these claims.

Furthermore, the Yoshino tertiary reference does not overcome the deficiencies of the primary and secondary references. The tertiary reference discloses switching a single speaker among multiple sound sources and does not disclose muting surround signals in the presence of a signal as set forth in these claims.

Accordingly, withdrawal of the rejection of these claims on these references is respectfully requested. If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim the language in the references regarded as corresponding to each element in each rejected claim, and quote verbatim the language in the references regarded as suggesting the desirability of combining what is there disclosed to meet the terms of each rejected claim.

8. Claims 19 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Klayman as a primary reference as said to be applied to claims 18 and 20 above, and further in view of Yamada as a secondary reference. The primary reference is said to disclose a method for improving the imaging of a sound source to multiple users in multiple sound fields in the passenger compartment of a vehicle. The primary reference is said to not specify the use of a single equalizer to couple the output transducers to the audio source. The secondary reference is said to disclose the use of equalizers for each of the left and right channel speakers in the audio system of a vehicle. The system of the secondary reference is said to be specifically designed to be capable of modifying the left and right channel audio signals so that the sound field would

add sound wider than the actual space inside of the vehicle passenger compartment, with specific reference to column 2, lines 19-23. FIG. 4 of the secondary reference is said to illustrate the relevant processing of the left and right channel audio signals, wherein both left and right channel signals (L, R) are passed through equalizers 10, 11 before being further modified by the remainder of the system. This use of equalizers in view of the teachings of the primary reference is said to read on the plurality of electroacoustical transducers coupled to the audio signal source by a single equalizer. To one of ordinary skill in the art at the time the invention was made, it is said it would have been obvious to include the equalizing and signal processing scheme of the secondary reference in the audio system of the primary reference. The motivation behind such a modification it is said would have been that the signal processing scheme of the secondary reference would have been able to enhance the imaging quality of the admitted audio of the system of the primary reference by electronically adjusting the audio beyond the physical limitations of the speaker positions in the system of the primary reference. It is said the signal processing scheme of the secondary reference would have also been capable of adding reverberation effects to the emitted audio, which it is said would have also improved upon the reverberation part of the audio scheme of the system of the primary reference.

Regarding claim 21, the secondary reference is said to teach the use of separate equalizers 10, 11 for each of the audio channels in the system, with specific reference to column 3, lines 46-52. This concept, in view of the teachings of the primary reference, is said to read on the first plurality of transducers coupled to the audio signal source by a single equalizer and wherein the second plurality of electroacoustical transducers are coupled to the audio signal source by a single equalizer.

This ground of rejection is respectfully traversed.

Claims 19 and 21 are dependent upon and include all the limitations of claim 18, and the reasoning set forth above in support of the patentability of claim 18 is submitted to support the patentability of claims 19 and 21 so that further discussion is unnecessary. Furthermore, claims 19 and 21 call for the first plurality of electroacoustical transducers being coupled to the audio signal source by a single equalizer. The secondary reference discloses a system in which

individual signals are each processed by an individual equalizer. The secondary reference does not disclose furnishing equalization to multiple transducers using a single equalizer. Accordingly, withdrawal of the rejection of claims 21 and 22 on the primary and secondary references is respectfully requested. If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim the language in each reference regarded as corresponding to each element in these claims and quote verbatim the language in the references regarded as suggesting the desirability of combining what is there disclosed to meet the terms of these rejected claims.

The courtesy of the Examiner in making a diligent search is acknowledged with appreciation. The references cited, but not applied, have been examined and are submitted to be incapable of anticipating, suggesting or making obvious the subject matter as a whole of the invention disclosed and claimed in this application.

In view of the foregoing cancellation, amendments, authorities, remarks and the inability of the prior art, alone or in combination, to anticipate, suggest or make obvious the subject matter as a whole of the invention disclosed and claimed in this application, all the claims are submitted to be in a condition for allowance, and notice thereof is respectfully requested. Should the Examiner believe the application is not in a condition for allowance, he is respectfully requested to telephone the undersigned attorney at (617) 521-7014 to discuss what additional steps he believes are necessary to place the application in a condition for allowance.

Enclosed is a \$140 check for excess claim fees and a \$110 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, Order No. 02103-366001.


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Respectfully submitted,

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